

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
) Group Art Unit: 1656
Mariagrazia PIZZA *et al.*)
) Examiner: Kam, C.M.
Serial No. 10/766,560)
) Atty. Docket: 002441.00076
Filed: January 29, 2004) (PP003005.00119)

CONFIRMATION NO. 8267

For: IMMUNOLOGICALLY ACTIVE PEPTIDES WITH ALTERED TOXICITY USEFUL FOR THE PREPARATION OF ANTIPERTUSSIS VACCINE

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)

U.S. Patent and Trademark Office
401 Dulany Street
Alexandria, VA 22314

Sir:

The sole owner of the complete interest in the subject application Chiron S.r.l. (now Novartis Vaccines and Diagnostics, Inc.), by virtue of assignment of application Serial No. 08/261,668, recorded at Reel/Frame 014699/0226, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the subject application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,713,072.

The owner hereby agrees that any patent granted on the subject application shall be enforceable only for and during such period that said patent and U.S. Patent No. 6,713,072 remain commonly owned. This agreement runs with any patent granted on the subject application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the subject application that would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. 6,713,072, in the event that such patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

The undersigned is an Attorney of Record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Date: September 21, 2007

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